



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAY 29 2014

REPLY TO THE ATTENTION OF:
WC-15J

CERTIFIED MAIL 7001 2510 0001 9556 1776
RETURN RECEIPT REQUESTED

Ms. Sue McCormick
Director
City of Detroit Water and Sewerage Department
735 Randolph Street
Detroit, Michigan 48226

Subject: Information Request
Issued Pursuant to Section 308(a) of the Clean Water Act, 33 U.S.C. § 1318(a)
Docket No. V-W-14-308-18

Dear Ms. McCormick:

Protecting our nation's water resources and controlling potential sources of pollutants is a high priority of the U.S. Environmental Protection Agency. As you are aware, the Detroit Water and Sewerage Department (DWSD) signed an Administrative Order on Consent (AOC) with the Michigan Department of Environmental Quality (MDEQ) on July 8, 2011. The AOC sought to address issues which led to a situation of chronic non-compliance at the Detroit Wastewater Treatment Plant (WWTP).

On March 27, 2013, Judge Cox terminated the Second Amended Consent Judgment against the City of Detroit and the DWSD. In the Opinion and Order Judge Cox concluded:

"For the past four decades, human resources issues have impeded the DWSD's ability to achieve sustained compliance with its NPDES permit and the Clean Water Act. (See 9/9/11 Opinion & Order at 39-40, where this Court found that, as recognized by multiple experts and acknowledged by the City, the primary causes of historical non-compliance include: "1) the DWSD having an insufficient number of qualified personnel at the WWTP; 2) excessive and unnecessary delays in hiring qualified personnel across all job positions at the DWSD; 3) the DWSD's required use of the City's Human Resources Department, resulting in significant delays in filling critical positions at the DWSD; 4) the City's personnel policies, civil service rules, and union rules and agreements, restricting the compensation, recruitment and prompt hiring of necessary personnel at the WWTP; 5) insufficient training of personnel at the

DWSD and WWTP; 6) lack of a succession plan at the DWSD; 7) obsolete job descriptions and qualifications for various positions within the DWSD"). "

Judge Cox went on to write that "...perhaps most significantly, the DWSD is actually *exceeding* the ACO's current minimum staffing requirements." It is clear that staffing issues at the DWSD have an important relationship to the continued long term compliance at the WWTP.

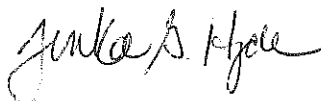
Under the authority provided by Section 308 of the Clean Water Act (CWA), 33 U.S.C. § 1318(a), the EPA is requiring the City of Detroit to provide records and data to support the development of the Organizational Optimization Project and the Wastewater Operations Group (WWOG) Staffing Plan.

Given the complex nature of the records requested in this submittal, EPA recommends the DWSD contact EPA to discuss the scope of the request and refine the format of their submission.

Please submit the information requested in the accompanying documents with a statement certifying that all representations contained therein are true and accurate to the best of your knowledge and belief using the certification language provided.

Thank you for your cooperation in this matter. If you have any questions concerning this matter, please contact Jonathan Moody of my staff, at (312) 353-4621, moody.jonathan@epa.gov, or Nicole Cantello, Office of Regional Counsel, at (312) 886-2870 or cantello.nicole@epa.gov. Please send your written responses to the address specified in the enclosed documents.

Sincerely,



Tinka G. Hyde
Director, Water Division

Enclosures

cc: Laura Verona, MDEQ (email only)
Jodi Peace, MDEQ (email only)
Phil Argiroff, MDEQ (email only)

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)	Docket No. V-W-14-308-18
City of Detroit Water and Sewerage Department)	
735 Randolph Street)	Proceeding under
Detroit, Michigan 48226)	Section 308(a) of the
)	Clean Water Act, as amended,
Permit No.)	33 U.S.C. § 1318(a)
MI0022802)	
)	

INFORMATION REQUEST

The U.S. Environmental Protection Agency is requiring the Detroit Water and Sewerage Department (DWSD) to submit certain information about the facilities located at 9300 West Jefferson Avenue in Detroit, Michigan and other associated support facilities located through Detroit, Michigan. You must send this information to us within 30 calendar days after you receive this request.

We are issuing this Information Request under Section 308(a) of the Clean Water Act (CWA), 33 U.S.C. § 1318(a). Section 308(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Water Division, Region 5.

This request is being sent to the DWSD via certified mail. It shall become effective seven calendar days after the date the DWSD receives the request, as shown on the certified mail receipt (effective date). We encourage the DWSD to contact Jonathan Moody of my staff at (312) 353-4621, or Nicole Cantello in the Office of Regional Counsel at (312) 886-2870, if you have any questions about this request.

DEFINITIONS

1. The term "person" as used herein, in the plural as well as singular, shall mean any natural person, firm, contractor, corporation, partnership, trust or governmental entity, unless the context indicates otherwise.
2. "Record," "records," "document" and "documentation" are defined for purposes of this Information Request as any recording of information in any form. It includes, but is not limited to, documents, emails, memoranda, reports, letters, maps, graphs, charts, log books, notes, computer files, computer printouts, and computer databases.
3. "And" and "or" shall be construed conjunctively or disjunctively as necessary to make the Information Request inclusive rather than exclusive, and bring within the scope of this

Information Request any information which might otherwise be construed to be outside the scope.

4. "Detroit Water and Sewerage Department" or "you" is defined as the Detroit Water and Sewerage Department or anyone acting on its behalf.
5. "Facility" is defined as any of the facilities located in Detroit, Michigan which support compliance of the CWA.
6. "Collection system" shall mean the sewerage collection/treatment system.
7. "Combined sewer overflow" or "CSO" refers to discharges (as defined by Section 502(12) of the Clean Water Act) from any of the "overflow" locations identified in Section A of the NPDES Permit.
8. "Combined sewer overflow outfall" or "CSO outfall" refers to the specific point source at a particular location from which a CSO occurs.
9. "NPDES" shall mean the National Pollution Discharge Elimination System authorized under the Clean Water Act.
10. "NPDES Permit" refers to the National Pollutant Discharge Elimination System Permit No. MI0022802 issued by the Michigan Department of Environmental Quality to the Detroit Water and Sewerage District with an effective date May 1, 2013 and with an expiration on October 1, 2017.
11. "Storm Water Pollution Prevention Plan" or "SWPPP" is defined as a requirement of the NPDES permit and details required inspections, annual monitoring and Best Management Practices (BMPs).
12. "Storm water" is defined as storm water runoff, snow melt runoff, and surface runoff and drainage.
13. "Wastewater" is defined as any water discharged to the collection system.

INSTRUCTIONS

1. Provide a separate narrative response to each and every request set forth in this Information Request. Precede each answer with the reference (e.g., Request No. _) and the text of that particular request.
2. Any documents relied upon or used by you to answer any of the requests must be copied and submitted to EPA with your response. All documents must contain a notation indicating the reference(s) (e.g., Request No. _) to which they are responsive.

3. If information or documents not known or not available to you as of the date of submission of your response to this request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide a corrected response. Knowingly providing false information in response to this request is actionable under 18 U.S.C. §§ 1001 and 1341.
4. If a request cannot be answered in full, answer to the extent possible along with an explanation of why the request cannot be answered in full. If your responses are qualified in any manner, please explain the reason for the qualification(s).
5. For this Information Request, words used in the singular shall also mean and include the plural and vice versa.
6. A statement of certification as provided in this Information Request must be submitted along with your responses every time a submission is made pursuant to this Information Request.
7. You shall maintain the reports and all records reviewed or generated in the course of responding to this Information Request until EPA informs you in writing that maintenance of such records is no longer required.
8. Unless otherwise specified, the Requests for Information cover the entire two-year period immediately preceding the date on which you receive this Information Request.

REQUESTS FOR INFORMATION

1. For each person consulted in preparing your responses to these Requests for Information, provide the full name and title, name of the individual's employer, and business telephone number.
2. Provide all Pilot Implementation Plans for the secondary, CSO, and plant-wide pilot projects.
3. Provide all job descriptions that were not included in Attachment 3 of the Organizational Optimization Project and the Wastewater Operations Group (WWOG) Staffing Plan Draft Report, dated January 20, 2014.
4. Provide all job descriptions that were updated since their inclusion in Attachment 3 of the Organizational Optimization Project and the WWOG Staffing Plan Draft Report, dated January 20, 2014.
5. Provide all job performance criteria for each job description that outlines specific employee expectations. Include copies of supporting data/documentation used to validate

employees are meeting the performance criteria. Examples of supporting data/documentation may include field sheets, daily reports and weekly summaries.

6. Provide a narrative description of the process for integrating the functions of the Operations and Analytical laboratories into the pilot plans.
7. Provide a narrative description of the work that is contracted out, including job descriptions, pilot teams the work supports, number of contractors supporting the WWOOG, and any future plans to change the contractor support. The narrative should distinguish between staff and contractors providing full-time and part-time services.
8. Provide a narrative description of improvements in system automation, including timeframes for installation and commissioning. Distinguish between existing automation equipment that has been returned to service, existing automation equipment planned to be returned to service and planned installation of new automation equipment.
9. Provide union and trade agreements that existed at the time of the April 1, 2011 Wastewater Operations Group Staffing Plan, and copies of the current union and trade agreements.
10. Provide project specifications detailing the scope of work and objectives of the DWSD Organization Optimization Project. The project specifications could be in the form of a Request for Proposal or other correspondence detailing the terms of the Organization Optimization Project Proposal.
11. Provide records of staffing per shift per day by job description for each pilot team and pilot support team as envisioned in the pilot implementation plans and as operated for the past 3 months. For the staff in the pilot support teams, provide the number of hours the staff are supporting the pilot versus performing pilot team functions (e.g., filling in for staff that are on vacation). The records should distinguish between staffing from permanent DWSD employees and contractors.
12. Provide records of staffing per shift per day by job description for the staff that are not part of the pilot or pilot support teams with a description of the type of work they are performing.
13. Provide a description of the work order and asset management system, including the structure/operation prior to the pilot team implementation, any changes that have been made since the start of the pilot teams, and any changes planned for the future.
14. Provide an updated timeline for the projected staffing reduction at the WWOOG.

15. Provide Preventative Maintenance (PM) and Corrective Maintenance (CM) Records. The records will need to include a table summary of the monthly scheduled Preventative Maintenance distinguishing between PM and CM tasks and completed and uncompleted tasks. The table summary should include, at a minimum,
- a. a unique identifier for each activity,
 - b. a description of the task,
 - c. the scheduled date for the task, if applicable,
 - d. the actual date of completion,
 - e. the estimated man hours,
 - f. the actual man hours
 - g. a description of the job classification assigned to complete the task,
 - h. A flag to indicate the rescheduling of incomplete tasks, if applicable,
 - i. the date and new unique identifier for rescheduled tasks, if applicable.

Provide copies of PM and CM records for the previous 3 years.

16. Provide Wastewater Treatment Plant Equipment Status Reports. These reports are also known as the Equipment Out-of-Service Summary Reports, or the Red/Green sheets. Provide copies of reports for the previous 3 years.
17. Provide the current WWOG Succession Plan and Training Program.

Please submit your responses to this request within the designated time frames to:

U. S. Environmental Protection Agency
Attention: Jonathan Moody
Water Enforcement and Compliance Assurance Branch
Water Division, WC-15J
77 West Jackson Blvd.
Chicago, Illinois 60604-3590
Fax: (312)-697-2753
moody.jonathan@gmail.com

with a courtesy copy to:

Southeast Michigan District Office
Attention: Laura Verona
27700 Donald Court
Warren, Michigan 48092
Office: (586)-753-3700

You may consider confidential the information that you submit to us. You may assert a claim of business confidentiality for any portion of the submitted information, except effluent data, under 40 C.F.R. Part 2, Subpart B. Information subject to a business confidentiality claim is available to the public only to the extent allowed under 40 C.F.R. Part 2, Subpart B. Failure to assert a business confidentiality claim makes all submitted information available to the public without further notice.

EPA may disclose information which you submit in response to this information request to authorized representatives of the United States pursuant to 40 C.F.R. § 2.302(h) even if you assert that all or part of the information is confidential business information. Please be advised that EPA may disclose all responses to this information request to one or more private contractors for the purpose of organizing and/or analyzing the information contained in the responses to this information request. If you are submitting information which you assert is entitled to confidential treatment, you may comment on this potential disclosure to authorized representatives when you submit your response to this information request.

In submitting the information required in this request, DWSD shall provide the following certification signed by an official or authorized agent:

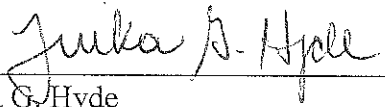
I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person(s) who manage the system, or those person(s) directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

If at any time after submitting the requested information, the signatory determines that any portion of such statement(s) certified as true is false or incorrect, the signatory must notify EPA. Knowingly providing false information in response to this request may be actionable under §309(c)(4) of the Act, and 18 U.S.C. §§ 1001 and 1341.

EPA may use the information submitted in response to this request in an administrative, civil, or criminal action.

This request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks to collect information from specific individuals or entities as part of an administrative action or investigation.

Please contact Jonathan Moody of my staff at (312) 353-4621 or via email at moody.jonathan@epa.gov, or Nicole Cantello, Office of Regional Counsel, at (312) 886-2870 or cantello.nicole@epa.gov, if you have any questions about this request. Neither the issuance of this request by EPA nor compliance with this request by you, relieves you of liability for any penalty, fine, remedy, or sanction authorized to be imposed pursuant to Sections 309(b), (c), (d), and/or (g) of the Act, including but not limited to any violations addressed by this request. EPA specifically reserves the right to seek any or all of the remedies specified in Sections 309(b), (c), (d), and/or (g) of the Act.



Tinka G. Hyde
Director, Water Division

5/29/14
Date